Civil Misc. App. No.3565/2005
Dr.Brijesh K. Gupta ***Versus*** Brijesh Kumar & Ors.

Date of Order ::: 07/08/06

Hon'ble Mr. Justice Ajay Rastogi

Mr.Jaiprakash Gupta for appellant (Claimant)

Instant appeal has been filed seeking enhancement of compensation of Rs.35,000/- awarded by Motor Accident Claims Tribunal (ADJ Fast Track NO.1) Bharatpur in MAC No.173/05 vide Award dt.23/09/05.

As alleged in claim petition, claimant (appellant) alongwith his father L.N.Gupta sustained injuries in road accident which took place on 26/05/04 while they were traveling in Maruti Car RJ05-C-2217 to Jaipur when reached Raja Chowk, offending truck No.RJ-06-G-3269 being driven rashly & negligently collided with their car causing injuries to him and death to his father.

Claimant aged 43 years, as alleged in claim petition, was working as Lecturer in MSJ College, Bharatpur on a monthly salary of Rs.18,000/-; met with an accident but there was no permanent disability as per medical report. However, taking note of nature of injuries sustained by him, learned tribunal awarded lump sum compensation of Rs.35,000/- on all heads in favour of appellant and Rs.57,000/- for death of his father.

Counsel for appellant submits that lump sum compensation awarded in case of appellant is on much lower side and requires interference. As informed by Counsel, no appeal has been preferred for enhancement arising out of claim relating to death of his father who was aged 65 years.

I have considered contentions of Counsel for appellant and with his assistance, examined material on record. There was no permanent disability as per medical report for injuries sustained by appellant. No material otherwise was placed on record by claimant to show about loss of income suffered on account of injuries sustained in the accident in question. Learned Tribunal considered and arrived at a conclusion on totality of facts on record especially nature of injuries sustained by appellant. That apart, he has further been paid Rs.57,000/- as compensation assessed for death of his father as a result of accident in question. In my opinion, what has been awarded to the appellant in his claim petition being just does not require interference. Consequently, this appeal fails and is hereby dismissed in limine.

(Ajay Rastogi), J.

K.Khatri/3565CMA2005.